

Bail \$100,000, Where's the Spy?



Associated Press

Dr. Robert Soblen hides his face at 1960 arraignment.

By Milton Lewis

Dr. Robert A. Soblen has disappeared. The 62-year-old convicted spy for Russia is dying of cancer of the blood. He was to surrender by 10:30 a.m. today to begin serving a life term for espionage. He has been free in \$100,000 bail.

Only last Monday the U.S. Supreme Court refused to review his case. He heard the bad news on the radio. He dropped out of sight a few hours later.

The government, the FBI and Federal Judge William B. Herlands, who sentenced the Lithuanian-born naturalized American, are convinced the psychiatrist has fled the country. Because of his disease

which was supposed to kill him by this summer—Judge Herlands had spared him the electric chair.

Judge Herlands, on learning yesterday that the spy was missing, gave him until 3:50 p.m. today to show up—or forfeit the \$100,000 bail, posted mostly by two friends—a woman lawyer who represents Alger Hiss, and a Brooklyn physician.

Dr. Soblen's counsel, Ephraim S. London, told Judge Herlands: "It is my belief that he is very ill, incapacitated or dead somewhere not far away. He is suffering from leukemia. Progress indicated that he would be dead about this time."

Judge Herlands, sitting on the bench in U.S. District Court at Foley Square, frowned as Mr. London continued:

"It is most unlikely that he would be fleeing. His wife's entire savings and some friends' money are up for bail. That bail was unusually high."

"I'm soory I didn't make it higher!" Judge Herlands snapped.

U. S. Attorney Robert M. Morgenthau's office opposed the fixing of any bail after Dr. Soblen was convicted by a jury on July 13, 1961. When the U. S. Court of Appeals unanimously affirmed the conviction last March 13 it refused to continue Dr. Soblen on bail pending application for a writ of certiorari to the U. S. Supreme Court.

But on April 13 Justice John M. Harlan, of the U. S. Supreme Court, permitted Dr. Soblen to continue free in \$100,000 pending final Supreme Court action. That action—refusing to grant a writ of review—came Monday.

Worked at Hospital

Dr. Soblen was a supervising psychiatrist at Rockland State Hospital at Orangeburg, N. Y., when arrested in November, 1960. His wife, Dr. Dina Soblen, still works there, also as a psychiatrist. She spells her name differently, so that there would be no confusion between them at the hospital.

Similarly, Dr. Soblen's brother, Jack Soblen, also spelled his last name without an "n." Jack Soblen, who was a key witness against his own brother, was sentenced to a seven-year prison term in 1957, also as a spy for Russia. They spent together over a 20 year period, all through World War II, conspiring to send military secrets to the Soviet.

Until about six weeks ago Dr. Soblen had been living in an apartment house at 128 Fort Washington Ave., Washington Heights. His wife maintains a cottage on the Rockland State Hospital grounds. He gave up the Washington Heights flat and moved into the cottage. This did not violate his bail provisions.

Ephraim S. London, Dr. Soblen's counsel, told Judge Herlands yesterday in arguing for an extension of the bail forfeiture ruling beyond 3:50 p.m. today:

"We have communicated with police and are sure that teletype notices have gone out. He was last seen here in New York City at 9 o'clock Monday night, and he indicated that he was

going to Rockland. But we don't know if he ever got there.

"However, his daughter (Mrs. Jean Stutmaan, of West Nyack, N. Y.) had dropped over to the cottage and saw several notes there. And the next day (Tuesday) two of the notes were gone. One of them had to do with the taking care of a dog. Soblen doesn't know, so far as I know, that his return (surrender) has been requested."

Heard News on Radio

Judge Herlands demanded to know if Dr. Soblen was aware of the Supreme Court decision—under which his bail was to be terminated immediately upon that high court's denial of his bid for review.

"Yes, he called me up," Mr. London answered. "He listened to it on the radio and asked when he would have to surrender and I told him that the mandate would not come down until 25 days. You can't conceive of a man in his right mind sacrificing his wife's savings."

Judge Herlands was advised by Assistant U. S. Attorney David R. Hyde that Mr. London told him yesterday morning that he was unable to locate Dr. Soblen—and that the spy's wife, who was in Mr. London's office at the time, alleged that she had not seen her husband since Monday night.

"His car is also missing," Mr. Hyde noted with pointed emphasis.

"I think," Mr. London cut in, "we ought to have an opportunity to try to locate him. I think that within 24 hours we should have some definite notice, that we should be able to find him."

Judge Herlands observed acerbically:

"If he is in the country, you mean!"

Mr. Hyde, the prosecutor, petitioned for a forfeiture of the bail immediately, explaining:

"This type of forfeiture may have the effect of forcing the defendant to turn himself in. The defendant knew that his last avenue in court had been rejected. Since then he abandoned his wife and children and his automobile is missing, all of which indicate he is fleeing the jurisdiction."

Realistic Approach

Judge Herlands, who issued an arrest warrant, said: "Under the circumstances, a realistic approach must be taken. Since the forfeiture of bail has the practical effect of stimulating the appearance of the defendant, no harm can be done in the circumstances."

Judge Herlands stopped speaking for a moment, and then, trying to control his wrath, continued sarcastically:

"It seems to me that Soblen used his skill at secrecy and subterfuge as a Russian spy. Now he is using the same skill as a fugitive from justice."

Near the end of the court proceeding Dr. Soblen's wife appeared, nervously clasping her hands. She conferred briefly with Mr. London, but remained at one side during the rest of the hearing.

The deadline of 3:50 p. m. today for Dr. Soblen's appearance or forfeiture of bail was set for this reason: that was the minute that yesterday's court proceeding ended, and Judge Herlands gave the spy 24 hours from then to turn himself in.

During his trial, Dr. Soblen lay in a specially contoured chair in court, sucking on ice. It was difficult for him to stand and he was under constant medication. Testimony showed that he gave secret data to Soviet agents during war-time, including information from the New York branch of the Office of Strategic Services, a World War II agency. Even before he went on trial, the spy had only about a year to live, doctors told Judge Herlands.

According to Mr. Hyde, who prosecuted Dr. Soblen, the \$100,000 in bail was put up this way: \$60,000 in government bonds by a friend, Mrs. Helen L. Bittenweiser, an attorney, of 450 E. 52d St., who represents Hiss, former State Department official convicted of perjury in regard to the passing of secret documents; \$20,000 from Dr. David Telson, a Brooklyn physician and friend; and the rest from her own savings and other friends.